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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,703	04/30/2001	Shozo Imanishi	M2057-68	4923
7278	7590	10/05/2004	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			HANSEN, COLBY M	
			ART UNIT	PAPER NUMBER

3682

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/846,703

Applicant(s)

IMANISHI, SHOZO

Examiner

Colby Hansen

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 9/10/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 4-16 and 23-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 17-22 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,17-22, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US Pat. 5,860,318).

Thomas (US Pat. 5,860,318)discloses a slide drive having a slide 12,16, comprising:

means for adjusting said slide drive device 14;

said adjusting means being effective to adjust a stroke of said slide (end effector generally locate at and with 12, 16);

said adjusting means 14 being pivotable about a center position to adjust said stroke;

said adjusting means being pivotable to a specified angle to adjust a stroke of said slide;

and said adjusting means transferring a sliding, reciprocating motion to said slide;

said center position being one of a top and a bottom dead center position of said slide;

said adjusting mechanism permitting said adjustment without changing said one dead center position;

said adjustment changing said other dead center position of said slide (bottom dead center always the bottom stroke point of 12, due to the guide being arcuate about point 20);

said adjusting means 14 receiving a reciprocating motion;

means for guiding said slide drive device (telescoping guide between 16 and lower half);

Art Unit: 3682

a connecting link 28;

said connecting link being effective to transfer said reciprocating motion to said guiding means;

said guiding means being effective to convert said reciprocating motion to a guiding displacement;

at least one drive branching link in said guiding means 24;

at least one of a first and a second upper toggle means 30;

said at least one upper toggle means 30 for driving said slide in a cycle;

said at least one drive branching link 24 transferring said guiding displacement to said one upper toggle means; and

said one upper toggle means 30 being effective to transfer said guiding displacement to said slide and drive said slide through said cycle;

a connecting rod 22;

said connecting rod 22 slidably guided by said adjusting means;

a crankshaft 18;

an eccentric part on said crank shaft 20;

said connecting rod 22 operably connects said eccentric part to said adjusting means; and

said connecting rod 22 operably connects said eccentric part to said adjusting means; and

said connecting rod 22 being effective to transfer said reciprocating motion to said adjusting means whereby said slide operates thru said cycle;

said adjustment means is operably affixed to said connecting rod 32;

Art Unit: 3682

said adjusting means is operable to guide said connecting rod along a specified trajectory 34; and

said adjusting means is pivotable about said center position to adjust said specified trajectory whereby said stroke is adjusted.

said means for adjusting said slide drive device comprises a guide board (the slot of 34) with a slider (the pin associated with part 32) that slides while receiving said reciprocating motion.

Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US Pat. 5,860,318).

Thomas (US Pat. 5,860,318) discloses the claimed invention except for the guide board and slide sliding linearly. As applicant has not disclosed the relevance of such a feature over a curved slide, it is deemed a matter of obvious engineering to alter Thomas (US Pat. 5,860,318) in such a way in order to derive the necessary output stroke. Furthermore, giving the slide an optimal curvature (in this case, zero curvature), would have been obvious to one having ordinary skill in the art at the time the invention was made in order to get the optimal stroke output with regard to displacement and gear reduction, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ (CCPA 1980).

Art Unit: 3682

***Response to Arguments***

Applicant's arguments with respect to claim 1 and the designation of the drive branching link have been considered but are moot in view of the new ground(s) of rejection (driving branch now lever 24).

Applicant argues that Thomas' joint does not have to be specified. Examiner disagrees, as broadly recited in means plus function form, the angle must be specifically determined to properly pickle the containers.

Applicant argues that Thomas discloses an adjustment element. Examiner disagrees as adjustment of the 32,34 connection serves to adjust the stroke of the slide 12, 16, as broadly recited in means plus function form (per col. 3/lns. 42-47).

***FACSIMILE TRANSMISSION***

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(703) 872-9306**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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Art Unit: 3682

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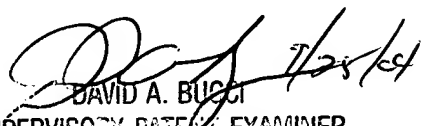
(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colby Hansen whose telephone number is (703) 305-1036. The examiner can normally be reached on Monday through Thursday and every other Friday from 7:30 PM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci, can be reached on (703) 308-3668. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 0000

Colby M. Hansen

Patent Examiner

 9/28/04